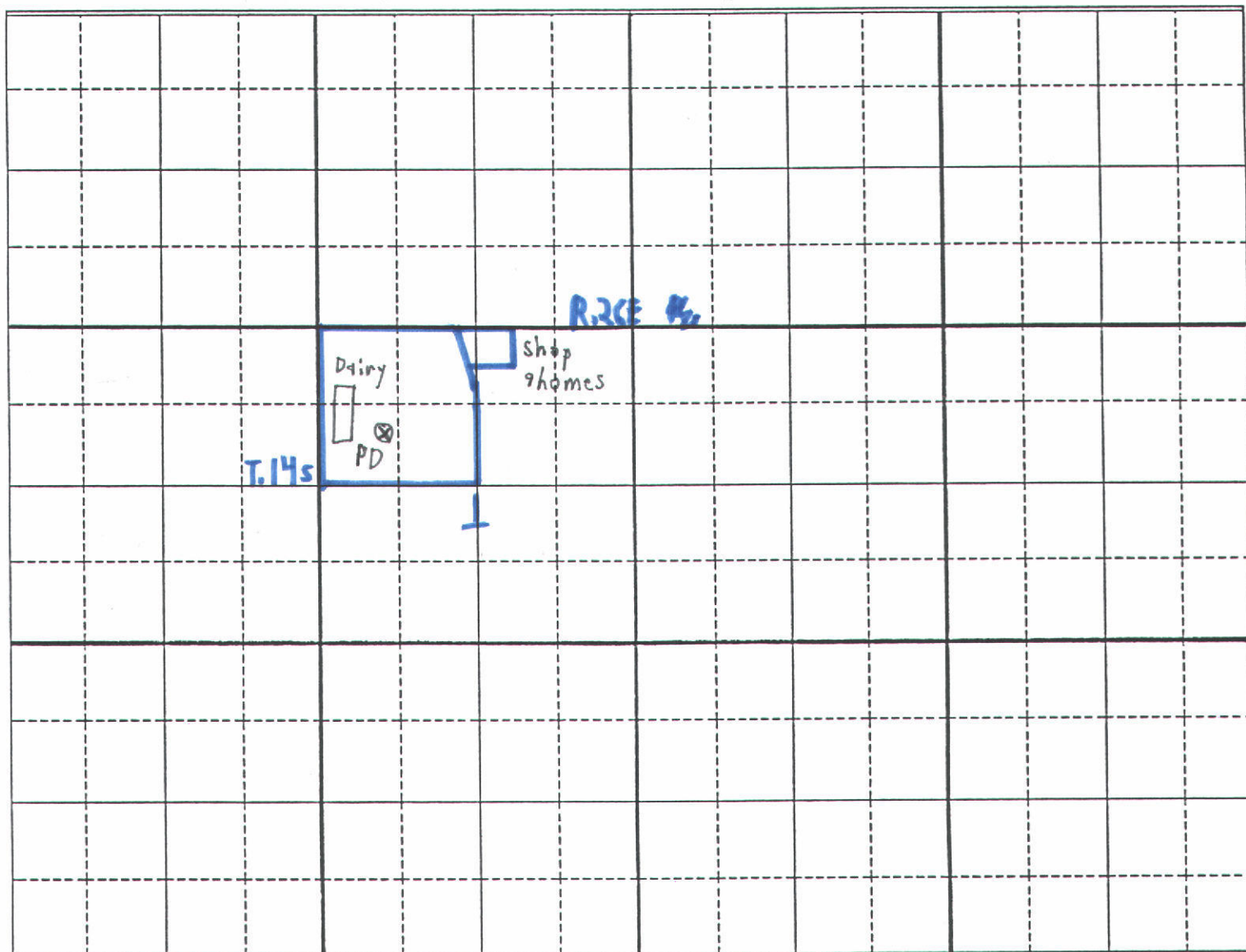


Complete the following map by showing land and point of diversion as proposed by this amendment.
 Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)



Scale: 2 inches equal 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 20 day of November, 19 95.

NORTHWEST FARM CREDIT SERVICES, ACA

By:

Robert E. Blakeslee, Br. Manager

Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by CS Publication prepared by MB Date 1/25/96

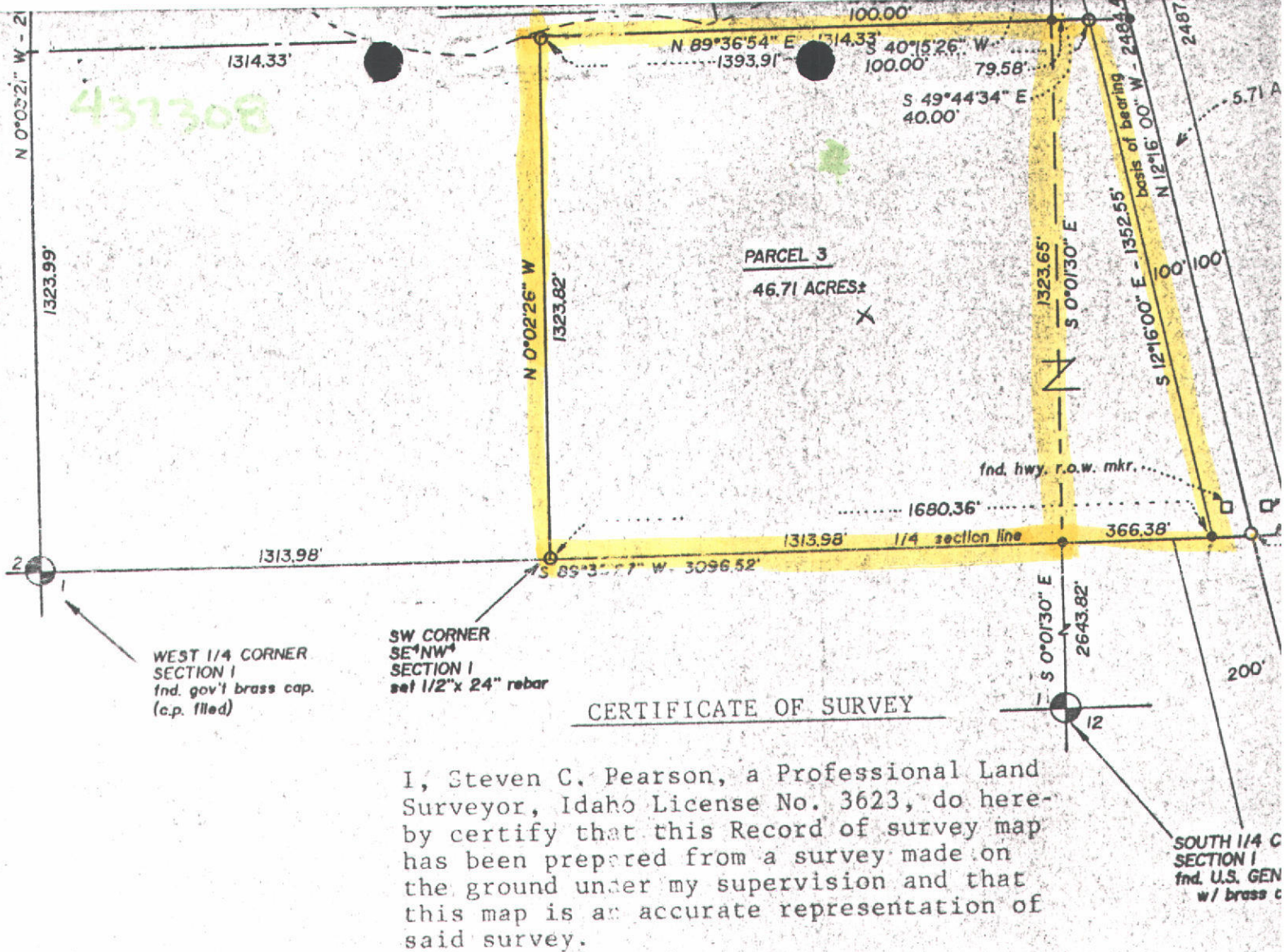
Published in So. Ill. Press Publication dates 2/5 & 2/12/96

I, _____, of the Department of Water Resources hereby

MICROFILMED
 JAN 07 1998

Witness my hand this _____ day of _____, 19 _____.

SIGNATURE



MICROFILMED
MAY 18 1992

43-07308

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia, }
STATE OF IDAHO } ss.

Monique Jones being first
duly sworn, deposes and says that she
is the CLERK of the South
Idaho Press, a daily newspaper published
at Burley, Idaho, in the county aforesaid
and that the paper is of general circulation
therein. Deponent further states that the
printed notice attached hereto was duly
published according to law in the regular
editions of The South Idaho Press for two
consecutive weeks, commencing with the
issue dated July 5 19 91, and
ending with the issue dated July 12,
19 91. Monique Jones

91-276

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed
to appropriate the public waters of the State of
Idaho:

43-07308

BURGESS, MELROSE EDMOND

2058 OVERLAND AVE.

BURLEY, ID 83318

Source: GROUNDWATER

Diversion Pt: SENW Sec 1 T 14S R 26E

Use: COMMERCIAL (1.600 CFS)

HEATING (.500 CFS)

Total Diversion: (2.100 CFS)

Date Filed: 1/30/1991

In: T14S R26E S01 SENW

The permit(s) will be subject to all prior
water rights. Protests must be filed with the
Director, Dept. of Water Resources, Southern
Region, 222 Shoshone Street East, Twin Falls,
Idaho 83301 on or before JULY 23, 1991.

/s/ R. Keith Higginson, Director

Published in the South Idaho Press on July 5
and 12, 1991.

RECEIVED

JUL 22 1991

Department of Water Resources
Southern Region Office

STATE OF IDAHO

COUNTY OF CASSIA }

On this 19 day of July in the year of 1991, before me,
a Notary Public, personally appeared Monique Jones,
known or identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that the
statements therein are true, and acknowledged to me that he executed
the same.

Kelly Blommon
Notary Public for Idaho

Residing at Burley, Idaho

My commission expires: May 23, 1997

Cost of Publication: 23.76

Notary Fee: .50

Total Cost: 24.26

MICROFILMED
OK MB av
MAY 18 1992
8

96-053

**NOTICE OF AMENDMENT TO A
WATER PERMIT**

Notice is hereby given that PETER J. & SYLVIA T. GRUSH & NORTHWEST FARM CREDIT SERVICES, HC 72 BOX 2046; MALTA ID 83342 have applied to the Department of Water Resources to change the point of diversion and place of use for Permit No. 43-07308 which is diverted from groundwater for commercial use (1.60 cfs) and heating use (0.50 cfs); also has a priority date of January 30, 1991.

PROPOSED CHANGE:

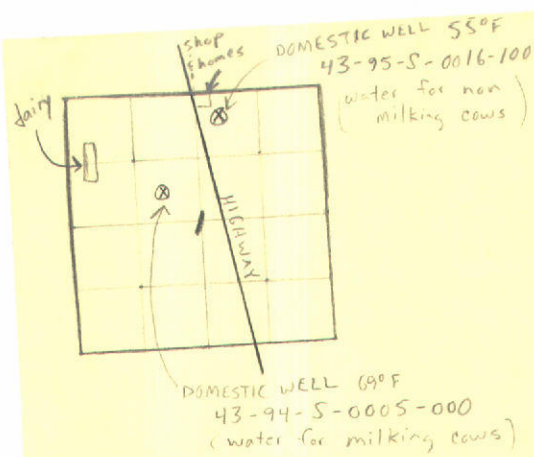
Point of diversion within SW1/4NW1/4, S1, T14S, R26E; Cassia County to be used for heating within Lot 2 (NW1/4NE1/4), W1/2NW1/4 and for commercial use within W1/2NW1/4, all S1, T14S, R26E.

Any protest against approval of the changes must be filed with the Director, Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before February 23, 1996.

The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on
February 5 and 12, 1996.



APPARANTLY NO WELL
HAS BEEN DRILLED YET
(NO DRILLING PERMITS ISSUED)
FOR PERMIT 43-07308,
NOTE THAT IT SOUNDS AS
IF SOME WATER HAS BEEN
DEVELOPED TO HEAT DAIRY ON
REQUEST FOR EXTENSION OF TIME
APPLICATION IN FILE?

MICROFILMED
JAN 07 1998

Amt. of Fee \$: 150.00
Receipt No. 0011305
Receipt By: [Signature]
Date Received: 2/2/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 02 1998

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 43-07308 Telephone No. 208-645-2381
208-645-2361

2. Name(s) of Permit Holder(s): Peter J / Sylvia Grush

3. Mailing Address: 2218 E Pierce Lane Malta, ID 83342

4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. prando yr. 1987

a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____

b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: Dairy Complex

6. Total rate of diversion and/or volume for which proof is submitted: 2.1 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No /

Has the measuring device been installed? Yes _____ or No /

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No /

Has the measurement port been installed? Yes _____ or No /

8. Fee Enclosed: \$ 150 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Peter Grush Telephone Number: 431-2361 or above
numbers
Address: 2218 E Pierce Lane Malta, ID 83342

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Peter J. Grush MICROFILMED Date: 1/24/98
(include your title, if on behalf of company or organization)
Sylvia Grush AUG 20 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDMENT OF PERMIT
PERMIT NO. 43-07308

This is to certify, that NORTHWEST FARM CREDIT SERVICES
SYLVIA GRUSH
PETER J GRUSH
PO BOX 1168
BURLEY ID 83318

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-211, Idaho Code. The approved amendment of permit is described as follows:

SOURCE

GROUNDWATER

Priority: January 30, 1991

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
COMMERCIAL	01/01 to 12/31	1.60 CFS
HEATING	01/01 to 12/31	0.50 CFS
	Totals	2.10 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 1, Township 14S, Range 26E
CASSIA County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

14S 26E 1 Lot 4(NWNW) SWNW

PLACE OF USE: HEATING

TWN RGE SEC

14S 26E 1 Lot 2(NWNE) Lot 4(NWNW) SWNW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1998.
2. Subject to all prior water rights.
3. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
4. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

MICROFILMED

JAN 07 1992

PERMIT NO. 43-07308

CONDITIONS OF APPROVAL AND REMARKS

5. The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
6. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
7. This right is subject to all prior water rights in the Raft River Drainage Basin and diversion under this right must cease if the Department of Water Resources determines that such diversion adversely impacts other water rights within the basin.
8. Commercial use is for a dairy; heating use is for barn, shop and two homes.
9. Approval of this amendment does not authorize the construction of any new well or the deepening or enlargement of any existing well.

Witness my hand this 17th day of December, 19 .

J. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED

JAN 17 1964

Form 211
12/93
RECEIVED

NOV 22 1995

Receipt No. 5018629
Received By J. F. Stanton
Date 11-22-95

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

RECEIVED

FEB 2 1996

Credit Services

Applicant Peter J. & Sylvia T. Grush & Northwest Farm Phone Department of Water Resources

Address HC 72 Box 2046, Malta, ID 83342

I am the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 43-07308, and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment: ☒ Change point of diversion ☐ Add point of diversion
☒ Change place of use ☐ Change nature of use ☐ Change period of use ☐ Other

1. Point of diversion: $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 14S, Range 26E, B.M., County of Cassia. Other points of diversion _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.) No Change

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

T w p	R g e	S e c	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	26E	1		H				H	H										
				lt 2				lt 4											
~~14S~~	~~26E~~	~~6~~																	

Total number of acres to be irrigated = _____

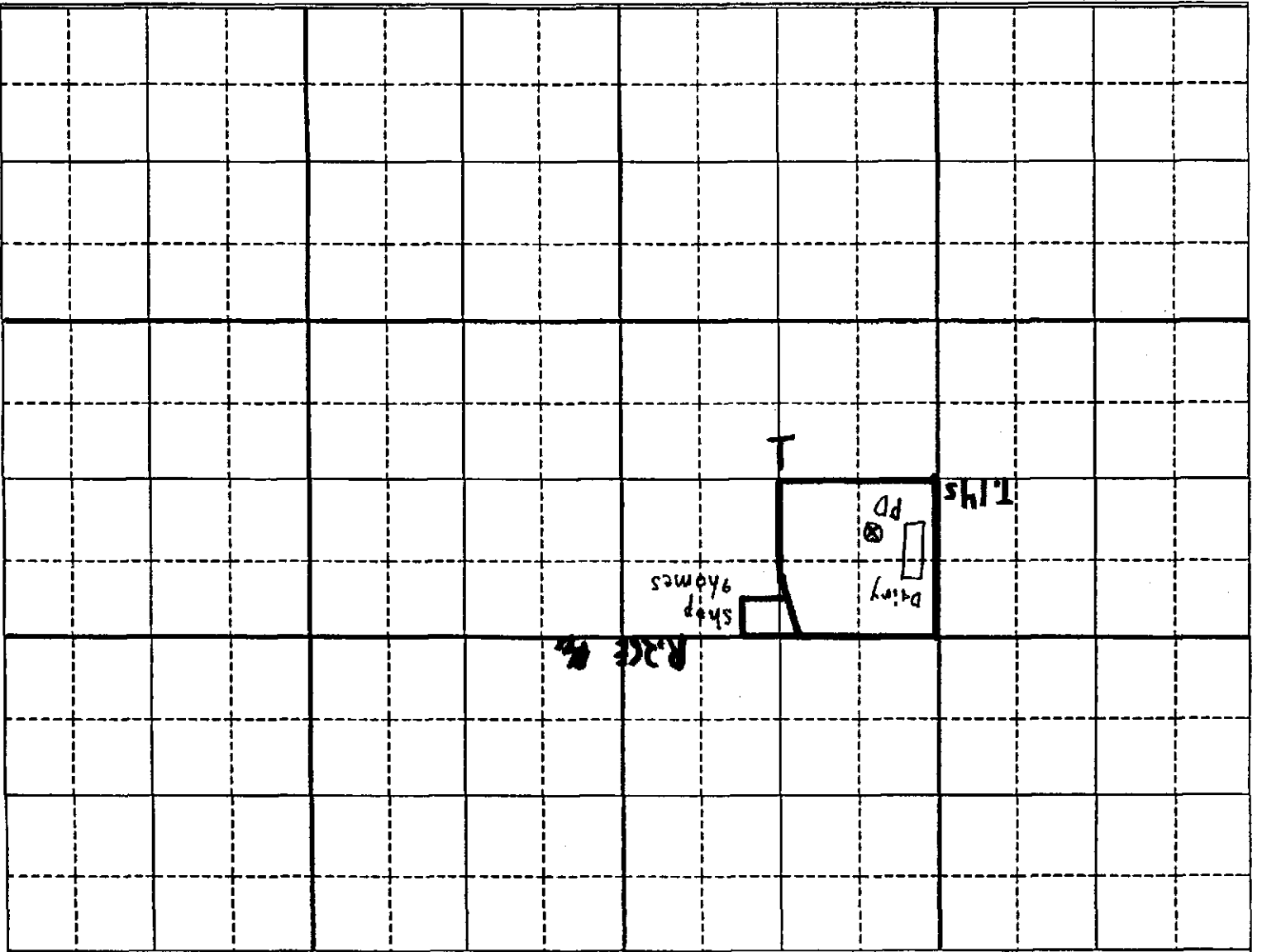
4. a. Who owns the property at the point of diversion? Permittees
b. Who owns the land to be irrigated at the place of use? "
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

Note: Commercial use is for dairy barn. Heating use is for barn, shop, & 2 homes.

MICROFILMED

JAN 07 1996

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)



I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 20 day of November, 19 95
NORTHWEST FARM CREDIT SERVICES, ACA

Robert E. Blakeslee, Jr. Manager
Permit Holder
Robert E. Blakeslee, Jr.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by CS
Publication prepared by NB
Date 1/25/96
Published in SA 00
Publication dates 2/5 * 2/12/96

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19 _____

SIGNATURE

RECEIVED

DEC 19 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

REQUEST FOR EXTENSION OF TIME

**TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT**

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 43-07308

Name(s) of Permit Holder: Peter and Sylvia Grush / Northwest Farm Credit

Mailing Address: He 72 Box 2046 Malta, Idaho 83342

Date Proof is Due: 1 Feb 1995 Telephone No. 208-645-2361

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Water is being used to heat our new dairy facility.

Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

- ① Need more time.
- ② Lack of funds
- ③ Land transfer for part of development just completed.

Permit holder(s) request an extension to Feb 1, 2000.

FEE: \$50.00

Sylvia T. Grush
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 1998.

Signed this 3 day of January, 1995

J. Glen Sauter
Chief, Water Allocation Bureau

JAN 19 1995

RECEIVED

APR 18 1994

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 25 1994

Department of Water Resources

FOR FILE

ASSIGNMENT OF PERMIT

MAR 24 1994

Department of Water Resources

We, Peter J. Grush and Sylvia T. Grush, hereby assign to Peter J. Grush and Sylvia T. Grush, HC 72, Box 2046, Malta, Idaho 83342 and NORTHWEST FARM CREDIT SERVICES, ACA, 1305 Albion Avenue, P.O. Box 1168, Burley, Idaho 83318

All our right, title and interest in and to Permit No.43-07308 to appropriate the public water of the State of Idaho.

or (for partial assignments)

The following described portion of my right, title and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

Described portion of the application assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.

Made this 23 day of March, 1994

Peter J. Grush

Peter J. Grush

Sylvia T. Grush

Sylvia T. Grush

STATE OF IDAHO

)

) ss.

County of Cassia

)

On this 23 day of March, 1994, personally appeared before me the signers of above instrument, duly acknowledged to me that they executed the same.

Joan J. Leigh

Notary Public for the State of Idaho

Residing at Burley

My commission expires 1-1-98

JAN 19 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 18 1994

Department of Water Resources

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Melrose Edmond Burgess, hereby assign to Peter J. and Sylvia T. Grush,

(Permit Holder)

of HC 72, Box 2046, Malta, Idaho 83342

(Full Address)

All my right, title, and interest in and to Permit No. 43-07308 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Permit No. N/A to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.

N/A

Made this 7th day of April, 19 94.

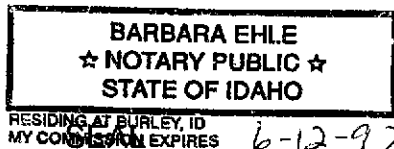
Melrose Edmond Burgess
Melrose Edmond Burgess

State of Idaho)

SS

County of CASSIA)

On this 7th day of April, 199 4, personally appeared before me the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



Barbara Ehle
Notary Public

BARBARA EHLE
Signature

My commission expires: 6-12-97

JAN 18 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 11 1994
Department of Water Resources

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Melrose Edmond Burgess, hereby assign to Peter J. and Sylvia T. Grush,
(Permit Holder)
 of HC 72, Box 2046, Malta, Idaho 83342
(Full Address)

All my right, title, and interest in and to Permit No. 43-07308 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Permit No. N/A to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.

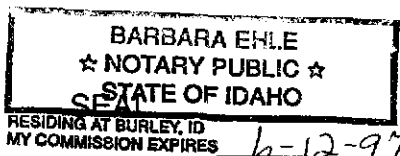
N/A

Made this 7th day of April, 19 94.

Melrose Edmond Burgess
Melrose Edmond Burgess

State of Idaho)
 County of CASSIA)
SS

On this 7th day of April, 199 4, personally appeared before me the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



BARBARA EHLE
Notary Public

Barbara Ehle
Signature

My commission expires: 6-12-97

JANIS

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 43-07308

Proposed Priority: January 30, 1991 Maximum Diversion Rate: 2.10 CFS
This is to certify, that **MELROSE EDMOND BURGESS**

2058 OVERLAND AVE
BURLEY ID 83318

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
COMMERCIAL	01/01 to 12/31	1.60 CFS
HEATING	01/01 to 12/31	0.50 CFS
	Totals	2.10 CFS

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 1, Township 14S, Range 26E
CASSIA County

PLACE OF USE: COMMERCIAL
TWN RGE SEC

14S 26E 1 SENW

PLACE OF USE: HEATING, same as COMMERCIAL use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1995.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
7. Assignment or sale of this right is subject to a determination by the Department that the right holder has proceeded to develop the right with due diligence and without speculation.
8. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

MICROFILMED

MAY 18 1992

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 43-07308

CONDITIONS/REMARKS:

9. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
10. The Director retains jurisdiction of this right and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
11. Unperforated well casing must be installed and maintained to a depth of at least 630 feet beneath land surface.
12. This right is subject to all prior water rights in the Raft River Drainage Basin and diversion under this permit must cease if the Department of Water Resources determines that such diversion adversely impacts other water rights within the basin.
13. Prior to diversion of water under this permit, the permit holder must obtain approval of the Idaho Department of Health and Welfare, Division of Environmental Quality.
14. Commercial and heating uses are for a distillery, greenhouses and various facilities including homes, barns and an ethanol plant.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

2nd day of April, 1992.

for R. Keith Higginson, Director

RECEIVED

MAY 18 1992

RECEIVED

JAN 30 1991

Ident. No. 43-07308

Department of Water Resources

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FEB 11 1991

APPLICATION FOR PERMIT

Department of Water Resources To appropriate the public waters of the State of Idaho
Southern Region Office

1. Name: MELROSE EDMOND BURGESS
Address: 2058 OVERLAND AVE.
BURLEY, ID 83318

208-678-1294

2. Source: GROUNDWATER

Trib. to:

3. Location of Point of Diversion: SENW Sec. 1, Township 14S, Range 26E
CASSIA County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
COMMERCIAL	01/01	12/31	1.600		
HEATING	01/01	12/31	0.500		

5. Total quantity to be appropriated is:
2.100 CFS (and/or) AF

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc.
WELL, PUMP & PIPELINE.

b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.

c. Proposed well diameter is 12 inches; proposed depth of well is 6787
feet.

d. Is groundwater with a temperature greater than 90F being sought? YES

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 3 years.

8. Description of proposed uses:

9. Place of Use: COMMERCIAL

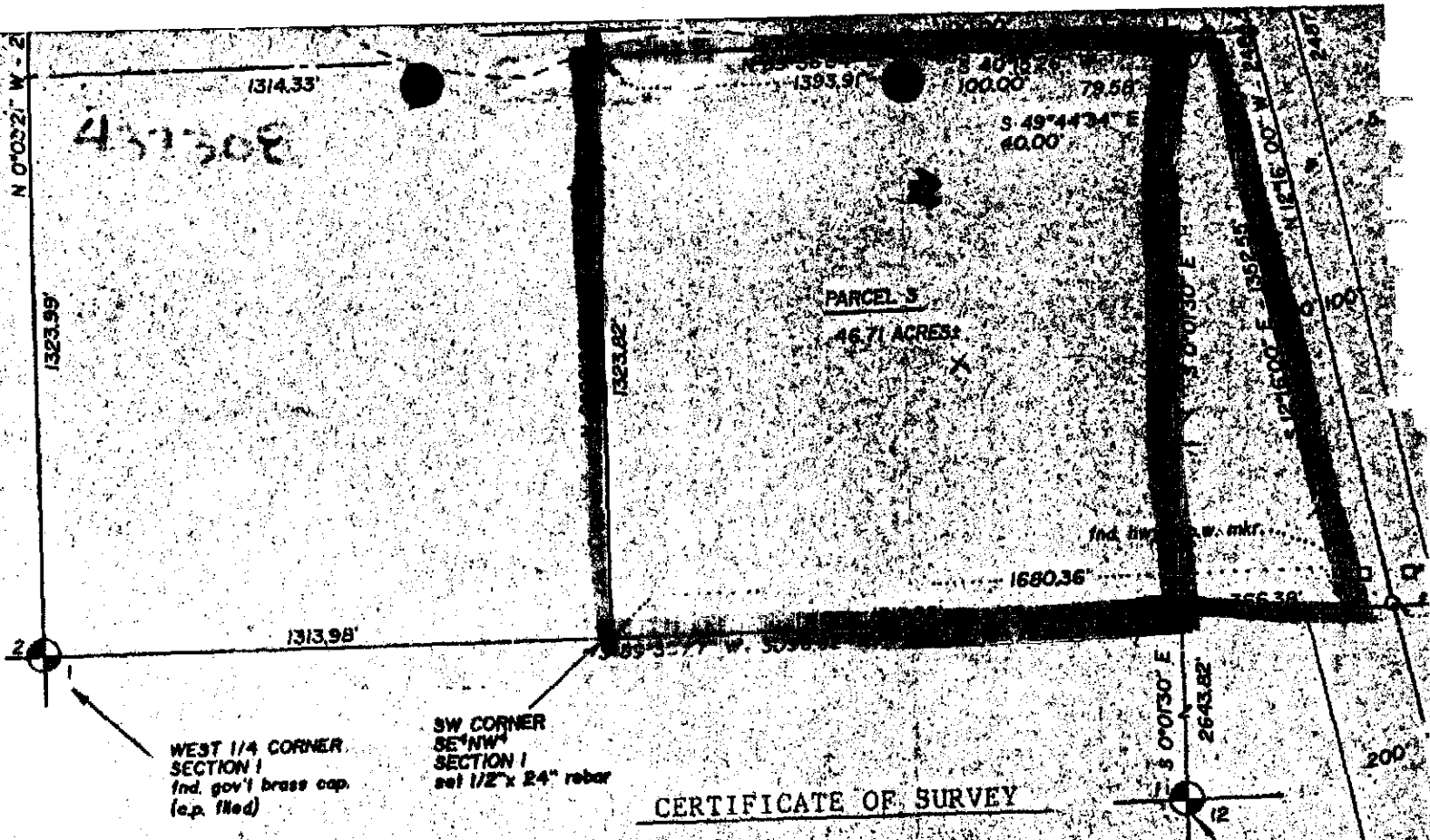
TWN RGE SEC
14S 26E 1

SENW

Place of Use: HEATING, same as COMMERCIAL use

10. Describe any other water rights used for the same purposes.

MICROFILMED
MAY 18 1992



CERTIFICATE OF SURVEY

I, Steven C. Pearson, a Professional Land Surveyor, Idaho License No. 3623, do hereby certify that this Record of survey map has been prepared from a survey made on the ground under my supervision and that this map is an accurate representation of said survey.

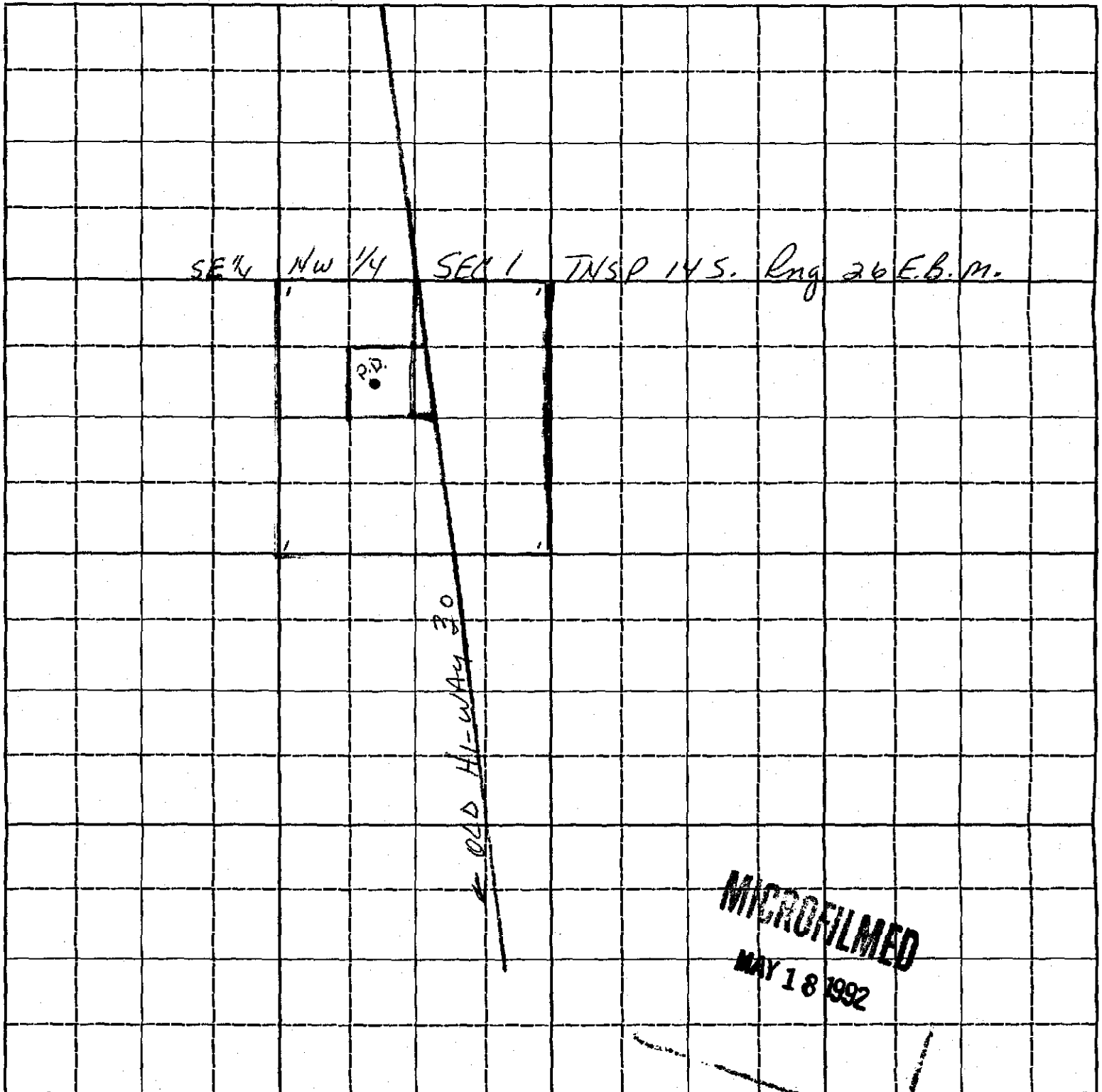
SOUTH 1/4 SECTION 1
find. U.S. GENL
w/ brass cap

MICROFILMED
MAY 18 1992

43-07308

437308

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

43-07308

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of

11. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

12. Remarks:

Commercial and heating uses are for a distillery, greenhouses
and various facilities including homes, barns and an ethanol
plant.

13. Map of proposed point of diversion and place of use attached? ☒

BE IT KNOWN that the undersigned hereby makes application for permit to
appropriate the public waters of the State of Idaho as herein set forth.

Melrose Edmond Burgess
Applicant

Received by MB Date 2-11-91 Time 10:50 am Preliminary check by AS
Fee \$ 85.00 Receipted by MB # C019534 Date 1-30-91
Publication prepared by MB Date 6-18-91 Published in So. ID. Press
Publication approved M Baldwin Date 8-21-91

MICROFILMED

MAY 18 1992

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia, } ss.
STATE OF IDAHO }

Monique Jones being first
duly sworn, deposes and says that She
is the CLERK of the South
Idaho Press, a daily newspaper published
at Burley, Idaho, in the county aforesaid
and that the paper is of general circulation
therein. Deponent further states that the
printed notice attached hereto was duly
published according to law in the regular
editions of The South Idaho Press for two
consecutive weeks, commencing with the
issue dated July 5 19 91, and
ending with the issue dated July 12
19 91. Monique Jones

RECEIVED

JUL 22 1991

Department of Water Resources
Southern Region Office

STATE OF IDAHO
COUNTY OF CASSIA }

On this 19 day of July in the year of 1991, before me,
a Notary Public, personally appeared Monique Jones,
known or identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that the
statements therein are true, and acknowledged to me that he executed
the same.

Kelly Blommon
Notary Public for Idaho
Residing at Burley, Idaho
My commission expires: May 23, 1997

Cost of Publication: 23.76
Notary Fee: .50
Total Cost: 24.26

MICROFILMED
MAY 18 1992

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 43-07308 Reviewed by [Signature] Date 2-3-98

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? dom. comm
no Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

 Surface water source
✓ Ground water source
no Drilling permit required? pr 87
 Copy in the file? Drilling Permit No.
 Amount paid for permit Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
150 Amount Submitted
yes Correct?
no Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address X Proof Made 2-2-98



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 14, 1998

Peter and Sylvia Grush
2218 E Pierce Lane
Malta ID 83342

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 43-07308

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the department's SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
AUG 20 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

December 17, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

NORTHWEST FARM CREDIT SERVICES
SYLVIA GRUSH
PETER J GRUSH
PO BOX 1168
BURLEY ID 83318

RE: WATER RIGHT NO. 43-07308

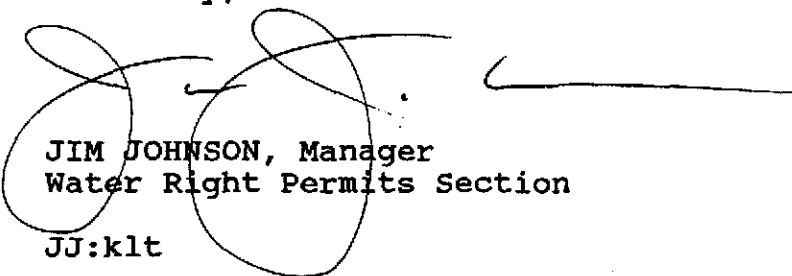
Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed Amendment of Permit approving your application to amend the water right referenced above. Please be sure to review every element of the Amendment of Permit, including the conditions of approval and remarks.

The Amendment of Permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

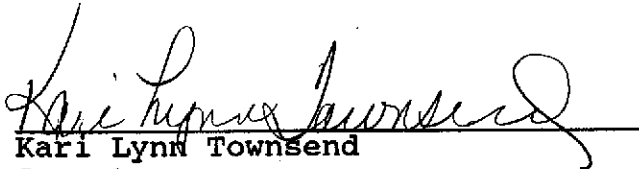
JAN 07 1998

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of December, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Amended Permit) to the person(s) listed below:

Water Right No. 43-07308

NORTHWEST FARM CREDIT SERVICES
SYLVIA GRUSH
PETER J GRUSH
PO BOX 1168
BURLEY ID 83318


Kari Lynn Townsend
Secretary

MICROFILMED

JAN 07 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

JAN 07 1998

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

JAN 07 1998

Page 2

November 30, 1997

PETER J GRUSH
SYLVIA GRUSH
NORTHWEST FARM CREDIT SERVICES
PO BOX 1168
BURLEY ID 83318

PROOF DUE NOTICE

RE: PERMIT NO. 43-07308

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1998.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

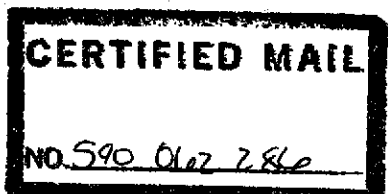
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

AUG 20 1998



AMENDMENT OF PERMIT REVIEW

Review Date 11/25/97

PERMIT NO. 43-07308 NAME Brush/NWPLS

TYPE: A = AMENDED E = CHANGE N/U I = CHANGE P/D & P/U
B = CHANGE P/D F = CHANGE Per/U J = ADD P/D & CHANGE P/U
C = ADD P/D G = OTHER
D = CHANGE P/U H = CHANGE P/D & + P/D

AREA OF CONCERN: More ^{CBWMA} ~~GWMA~~ Trust/Non-trust ok, no new well drilling to be done
PROOF OF B/U RECEIVED? Yes/No Due < 6 months? Yes/No

GROUNDWATER:

Drilling Permit No. - - - - -;
Drilled

NO WELL LOGS FOR
A WELL 630+ FEET DEEP
THE ONLY DRILLING PERMIT
IN SEC 1 NW¹/₄ WAS DOMESTIC
WELL

Swan Falls Flag 7

Conditions of Approval: 068(modify) 051, 052, 053, 081

Remarks/Comments _____

MICROFILMED
JAN 07 1998

RECEIVED

APR 19 1996

Department of Water Resources

April 15, 1996

Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000 *J. Grush*

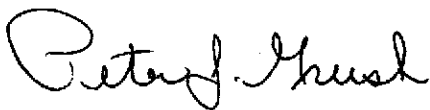
Dear Mr. Saxton,

I am writing in response to your letter of March 29, 1996 regarding permit no. 43-07308. You have asked four specific questions and here are my answers.

1. We are using the original geothermal well described in the permit as being constructed with 630 feet of unperforated well casing for heating our dairy.
2. We are not drilling a new well. Our intention is to use the original one.
3. The water is being used to heat a dairy barn at present. Future plans include several homes and greenhouses.
4. The water will not be consumptively used under the proposed ammendment. However we would like to use the water to irrigate pasture as a means to dispose of it.

Please feel free to contact me if there are any other questions. Thank you for your consideration.

Sincerely,



Peter J. Grush

MICROFILMED

JAN 07 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 29, 1996

Peter J. Grush
HC 72, Box 2046
Malta, ID 83342

Northwest Farm Credit Services
1305 Albion Ave.
P.O. Box 1168
Burley, ID 83318

RE: PERMIT NO. 43-07308 - APPLICATION FOR AMENDMENT

Dear Mr. Grush:

The above referenced application for amendment has been forwarded from our Twin Falls office to this office for final review and action. My review of the water right file including past correspondence raises some questions which you need to address before the department further considers the application for amendment.

Permit No. 43-07308 was issued on April 2, 1992, to Melrose Edmond Burgess (Burgess) authorizing the use of hot water from the deep geothermal aquifer for commercial and heating purposes. To assure that the water authorized for appropriation under the permit was only from the deep geothermal water, among other conditions, the department conditioned the permit as follows:

11. Unperforated well casing must be installed and maintained to a depth of at least 630 feet below land surface.

On April 7, 1994, Burgess assigned ownership of the permit to Peter J. and Sylvia Grush. On April 18, 1994, Peter J. and Sylvia Grush assigned the permit to Peter J. and Sylvia Grush and Northwest Farm Credit Services.

Based on a representation from Sylvia Grush in December 1994, that geothermal water had been diverted and used for heating purposes in a new dairy facility, on January 3, 1995, the department extended the date on which proof of diversion and application of water to beneficial use is due to the department.

The amendment proposes to change the authorized point of diversion under the permit from the SENW Section 1, T14S, R26E, B.M. to the SWNW Section 1, T14S, R26E, B.M. and to change the place of use of the water.

MICROFILMED

JAN 07 1998

The domestic cold water well (69 degree water) drilled in 1994 pursuant to Drilling Permit No. 43-94-S-005-000 does not appear to have anything to do with Permit No. 43-07308, since the permit specifically authorized use of hot geothermal water, not cold water.

The domestic cold water well (55 degree water) drilled in 1995 pursuant to Drilling Permit No. 43-95-S-0016-100 also does not appear to have anything to do with Permit No. 43-07308, since the permit specifically authorized use of hot geothermal water, not cold water.

My questions are as follows:

1. Which well have you used for heating your new dairy as shown on the Request for Extension of Time Request you submitted to the department on December 19, 1994. Please be specific and describe the well by location, depth and other descriptors which may apply?

2. Does the amendment you have submitted to the department anticipate drilling a new well into the hot geothermal aquifer to be constructed with 630 feet of unperforated well casing as required in the permit conditions? If not, please explain your intentions.

3. The application for amendment shows the proposed uses to be heating and commercial. What specifically is the proposed use of the water. i.e. heating of what? What sort of commercial use? Describe.

4. Will water be consumptively used under the proposed amendment? If so, describe. If not, how will the water be disposed of after use?

Please provide the requested information within twenty (20) days in order that the department can further consider the pending application for amendment. If you have questions, please feel free to contact the department.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region
Allen Merritt
Jim Johnson

MICROFILMED
JAN 07 1998

This log has
nothing to
do with
permit No.
43-07308,

Form 238-7
6/93
C

IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

RECEIVED
APR 13 1994
Bail Point, Pa.
Department of Water Resources

1. DRILLING PERMIT NO. 43-995 TOPS 188
Other IDWR No. 428

2. OWNER: Peter Gush
Name
Address Matla
City Idaho State Idaho Zip 833

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.



T. 14S North ☐ or South ☒
R. 2E East ☒ or West ☐
Sec. 1 1/4 SE 1/4 NW 1/4
Gov't Lot _____ County Cosio

Address of Well Site (South of Matla)

(Give at least Direction & Distance or Road or Landmark)

Lot No. _____ Block No. _____ Subd. Name _____

4. PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☐ Air Rotary ☒ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Feet	Feet	
<u>Heavy clay or</u>					<u>Packed</u>
<u>overlaid to</u>					

Was drive shoe seal tested? ☒ Yes ☐ No How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Length	Notes
<u>8</u>	<u>71</u>	<u>450</u>	<u>1/4</u>	<u>✓</u>	

Final location of shoes:

Top Packer or Headpipe _____ Bottom Taper _____

9. PERFORATIONS/SCREENS

☒ Perforations Method Matla
☐ Screens Type _____ Material 5/16 X 2"

From	To	Slot Size	Number	Diameter	Total Pipe Size
<u>360</u>	<u>435</u>		<u>500</u>	<u>5/16</u>	

Casing ☒ Liner ☐
☐ ☐
☐ ☐
☐ ☐

10. WELL TESTS:

Yield gpm.	Drawdown	Pumping Depth	Time
<u>15</u>	<u>0</u>	<u>149</u>	<u>1 Hr</u>

Temperature of water 69 Was a water analysis done? Yes ☐ No ☒

By whom? _____

Water Quality (odor, etc.) _____

Bottom Hole Temperature _____

11. STATIC WATER LEVEL

149 ft. below surface Depth Artesian flow found _____

Artesian pressure _____ Describe access for _____

Describe Controlling Device _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

From	To	Remarks: Lithology, Water Quality & Temperature	OPM	SWL
<u>8</u>	<u>0.2</u>	<u>top soil</u>		
<u>8</u>	<u>2.13</u>	<u>gravel</u>		
<u>8</u>	<u>131</u>	<u>sandy clay</u>		
<u>8</u>	<u>375</u>	<u>clay with pebbles</u>		
<u>8</u>	<u>450</u>	<u>clay with pebbles</u>		

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Cherley Drilling Firm No. 428

Firm Official Pete Cherley Date 03-28-90

and Supervisor or Operator Pete Cherley Date 03-28-91

(Sign only if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

MICROFILMED

JAN 07 1998

SD-4112
INQUIRY ONLY

Idaho Department of Water Resources
Well Log Remarks Screen

Date: 03/27/96
Time: 09:01:28

Drilling Permit Number: 43-94-S-0005-000

Drilling Permit

Remarks: PER D JONES. DID NOT HAVE D P ON SITE (I REMEMBERED WORKING WITH PAPER APP.) OPERATOR DID NOT HAVE CARD---IT WAS NOT SENT TO HIM HE SAID. WATER IS WARM THOUGH I COULDN'T MEASURE IT. SURFACE SEAL TO 20 FT. ALSO PER THIS INSPECTION IT WAS FOUND THAT THE LEGAL WAS WRONG AND WAS HEREBY CORRECTED. PER MTS LEGAL CONFIRMED IN FIELD AND CORRECTED 5-5-94 SURFACE SEAL 20 FT. SLURRY CLAY METHOD, OVERBORE METHOD. PERFORATIONS: #500 FROM 360 TO 435 FT. METHOD SHOWN MILLS

(GOLD4=Prev Screen)
(GOLD5=Next Screen)

(GOLD6=End of Data)

(Enter=Exit)
(GOLD8=Cancel)

MICROFILMED

JAN 07 1998

- This is a log
for a cold
water well.

- It is not the
log for a well
drilled pursuant
to permit

43-07308.
not
3-29

JAN 07 1998

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: C. SKINNER

Right Number 43-07308

Applicant Brush, Peter & Sylvia

Purpose of Amendment: ☒ Change point of diversion. ☐ Add diversion point(s).

☐ Increase amount. ☒ Change place of use. ☐ Other _____

CHECK:

- ☒ Description of amended point(s) of diversion.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☐ Stream index information (reverse).
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☒ Existing water rights from the same source, amended place of use.
- ☒ Right number(s) DOMESTIC WELLS 43-95-S-0016-100 & 43-94-S-005-000
- ☒ Yes ☐ No Should amendment be advertised?
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Amendment published correctly.
- ☒ Protests processed. - None
- ☒ Approve.
- ☐ Deny.

Conditions Same conditions as original permit
* The well was drilled under domestic
fees so applicant owes \$165.00 if
well 43-94-S-0005-000 is to be used.

By ADW Date 2/26/96

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete. By _____ Date _____
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

RECEIVED
FEB 28 1996
Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

**SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION**

County of Cassia)
) ss
STATE OF IDAHO)

Kary D. Miller, being first duly sworn, deposes and says that she is the General Manager of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for two consecutive week(s), commencing with the issue dated February 5 1996, and ending with the issue dated February 12 1996.

Kary D Miller

STATE OF IDAHO)
COUNTY OF)
MINIDOKA)

On this 01st day of February in the year of 1996 before me, a Notary Public, personally appeared Kary D. Miller, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Lamar Burns
Notary Public for Idaho

Residing at: Rupert, Idaho

My commission expires: 6-28-2000

Cost of Publication 31.82

Notary Fee 00

Total Cost 31.82

RECEIVED

FEB 23 1996

Department of Water Resources
Southern Region

OK
MB

2/26/96

MICROFILMED

JAN 07 1998



**NOTICE OF AMENDMENT TO A
WATER PERMIT**

Notice is hereby given that PETER J. & SYLVIA T. GRUSH & NORTHWEST FARM CREDIT SERVICES, HC 72 BOX 2046; MALTA ID 83342 have applied to the Department of Water Resources to change the point of diversion and place of use for Permit No. 43-07308 which is diverted from groundwater for commercial use (1.60 cfs) and heating use (0.50 cfs); also has a priority date of January 30, 1991.

PROPOSED CHANGE:

Point of diversion within SW1/4NW1/4, S1, T14S, R26E; Cassia County to be used for heating within Lot 2 (NW1/4NE1/4), W1/2NW1/4 and for commercial use within W1/2NW1/4, all S1, T14S, R26E.

Any protest against approval of the changes must be filed with the Director, Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before February 23, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on
2/5 & 2/12/96.

MICROFILMED
JAN 07 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

January 25, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

SOUTH IDAHO PRESS
PO BOX 190
BURLEY ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MICROFILMED
JAN 07 1998

NOTICE OF AMENDMENT TO A WATER PERMIT

Notice is hereby given that PETER J. & SYLVIA T. GRUSH & NORTHWEST FARM CREDIT SERVICES, HC 72 BOX 2046; MALTA ID 83342 have applied to the Department of Water Resources to change the point of diversion and place of use for Permit No. 43-07308.

PERMIT NO. 43-07308 diverted from groundwater for commercial use (1.60 cfs) and heating use (0.50 cfs) has a priority date of January 30, 1991.

PROPOSED CHANGE:

Point of diversion within SW1/4NW1/4, S1, T14S, R26E; Cassia County to be used for heating within Lot 2 (NW1/4NE1/4), W1/2NW1/4 and for commercial use within W1/2NW1/4, all S1, T14S, R26E.

Any protest against approval of the changes must be filed with the Director, Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before February 23, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on 2/5 & 2/12/96.

MICROFILMED
JAN 07 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

January 25, 1996

PETER J & SYLVIA T GRUSH &
NORTHWEST FARM CREDIT SERVICES
HC 72 BOX 2046
MALTA ID 83342

Re: Amendment of Permit No. 43-07308

Dear Applicants:

The Department of Water Resources acknowledges receiving your Application for Amendment as referenced above.

This office will be advertising the application in the South Idaho Press on 2/5 & 2/12/96. A period of ten days following the second publication will be allowed for the submittal of protests.

If the Amendment Application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the Amendment Application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

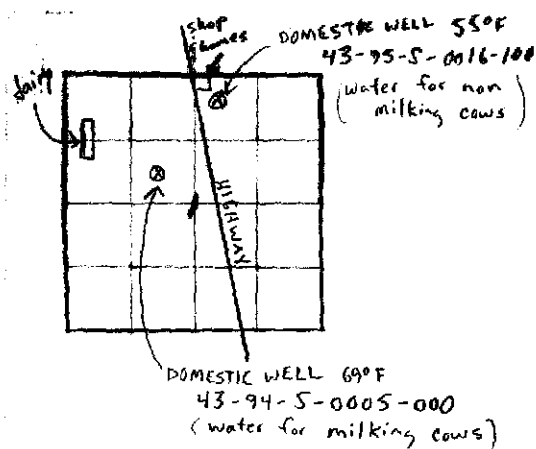
Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

MICROFILMED

JAN 07 1998



APPARANTLY NO WELL
HAS BEEN DRILLED YET
(NO DRILLING PERMITS ISSUED)
FOR PERMIT 43-07308,
NOTE THAT IT SOUNDS AS
IF SOME WATER HAS BEEN
DEVELOPED TO HEAT DAIRY ON
REQUEST FOR EXTENSION OF TIME
APPLICATION IN FILE?

MICROFILMED
JAN 07 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 3, 1995

Peter and Sylvia Grush
HC 72 Box 2046
Malta, ID 83342

RE: Permit No. 43-07308

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to February 1, 1998. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

RECORDED

JAN 19 1995

November 30, 1994

NORTHWEST FARM CREDIT SERVICES
P.O. BOX 1168
BURLEY ID 83318

PROOF DUE NOTICE

RE: PERMIT NO. 43-07308

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1995.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

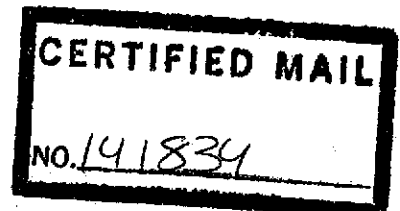
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

JAN 19 1995





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

43-7308

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

03-May-1994

RECEIVED

MAY 11 1994

De. Resources
Southern Region Office

Mr. & Mrs Peter Grush
P. O. Box 621
Malta, ID 83342

Dear Mr & Mrs Grush:

As a followup to the meeting in our office on May 2, 1994 we want to clarify in writing the intended uses from your geothermal well and your cold water well. In a telephone conversation with Jim Johnson in our State Office he agreed it would not be necessary to amend permit 43-07308. He did agree that it is important that we obtain an understanding of the intended uses and estimated diversion rates.

Listed below are the intended uses and diversions from each well to be used in your dairy operation.

1. Milking cows only will be watered from the existing cold water well drilled under permit #43-94-S-0005-000. Water for dry cows, heifers, calves and any range cattle will be provided from another well at a location across the highway from the dairy.

2. ^{When needed SG P.G. MTS} ~~During hot weather~~ some water from the cold water well will be used to cool the geothermal well water prior to use in the dairy barn.

3. The combination of uses under #1 & #2 and any additional domestic uses from the existing well are limited to 13,000 gallons per day as defined in I.C. 42-111.

4. Water from the geothermal well will be used for heating and commercial use in the dairy barn.

5. The heating component of the geothermal well water will be used to heat the barn by radiation from a 12,000 gallon cistern adjacent to the barn.

6. Your estimated maximum diversion rate for commercial purposes from the geothermal well is approximately 400 gallons per minute. (.90 cfs)

7. Your estimated maximum diversion rate for heating purposes from the geothermal well is approximately 220 gallons per minute. (.50 cfs)

SG 8. Use for home as allowed in original permit.
P.G.
mts

RECEIVED

JAN 19 1995

You indicated the estimated temperature of the geothermal well water to be 189-190 degrees Fahrenheit but must be cooled to 105 degrees before it can be used in the dairy barn. Your claim, while debatable, that you will be using some of the heat value from the geothermal water in your commercial use is well taken. While it is true that you would have to expend electric energy to heat cool water to 105 degrees it is also true that there is heat loss in reducing 189-190 degree water to 105 degrees.

Mr. Johnson indicated that we now have in file Assignments of Permit that transfer ownership to you. The form he returned to Land Title & Escrow, Inc was not an acceptable form.

Whether the proof due date for Permit 43-07308 can be extended beyond February 1, 1995 is an issue that must be addressed on its own merit in a formal application filed with the department.

Your inquired as to whether you could drill an additional cold water well to be used exclusively for use within a home or homes. An additional cold water well(s) could be drilled but the combined use from all cold water wells can not exceed 13,000 gallons per day as specified in I.C. 42-111.

If you agree that items #1 through ^{#8}~~#7~~ above are the intended uses from the geothermal well and cold water well, please sign and date the copy of this letter and return it to me for our files. Call me at 736-3033 if you have questions.

Cordially,

Mel Schulte

Mel Schulte
Sr. Water Rights Agent

cc: Alfred E. Barrus

Peter J. Gush

5/9/94

DATE

Sylvia F. Gush

5/9/94

RECEIVED
JAN 19 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 22, 1994

Joan Kriegh
Customer Service Representative
Farm Credit Services
P.O. Box 1168
Burley, Idaho 83318

Re: Permit No. 43-07308

Dear Ms. Kriegh:

This letter is to acknowledge change in ownership of permit number 43-07308 to you which was originally received in March of 1994. However, due to lack of information showing the change of ownership between the original owner, Mr. Burgess and Mr. Grush, we were not able to acknowledge the assignment at that time.

We have now received an assignment from Mr. Burgess to Mr. Grush allowing us to update the permit record to show that you are the current owners. You should be aware that proof of beneficial use under this permit is due February 1, 1995 and water must be developed and used according to the permit. A copy of which is enclosed.

If you have any questions, please feel free to contact me at 327-7947.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', written over a horizontal line.

Jim Johnson
Water Rights Supervisor

JJ:ca

Enclosure

cc: Peter J. and Sylvia T. Grush

MICROFILMED

JAN 19 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 22, 1994

Nancy Garrett
Escrow Department
Box 177
Burley, Idaho 83318

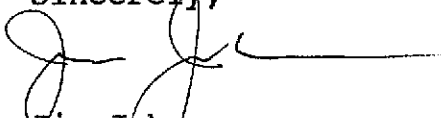
Re: WR No. 43-07308
Your Reference: EC-533

Dear Ms. Garrett:

We are returning the enclosed form as it is referencing a claim for which we do not have any record of in this department. The permit using that number is now owned by Farm Credit Services.

If you have any questions, please feel free to contact me at 327-7947.

Sincerely,



Jim Johnson
Water rights supervisor

JJ:ca

Enclosure

MICROFILMED
JAN 19 1995



Farm Credit Services

RECEIVED
APR 18 1994
Department of Water Resources

1305 Albion Avenue
P.O. Box 1168
Burley, Idaho 83318
208/678-3516 FAX 208/678-1302

April 15, 1994

Cindy Zimmerman
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RE: Your letter dated 3-29-94 concerning
Permit No. 43-07308

Dear Ms. Zimmerman:

Enclosed is an Assignment of Permit from Melrose Edmond Burgess to Peter J. and Sylvia T. Grush and an Assignment of Permit from Peter J. and Sylvia T. Grush to Northwest Farm Credit Services, ACA.

If you have any questions, please give me a call.

Sincerely,

Joan Kriegh
Customer Service Representative

Enclosures

MICROFILMED

JAN 19 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

15-Apr-1994

RECEIVED

APR 18 1994

Department of Water Resources

Mr. Alfred E. Barrus
Attorney at Law
P. O. Box 487
Burley, ID 83318

Dear Mr. Barrus:

I am responding to your letter dated April 12, 1994 in reference to Mr. & Mrs. Peter Grush's desire to utilize Permit 43-07308 to construct a dairy.

First, let me clarify my position that the term "barns" stated in the permit conditions does not establish the intention that the permit allows a dairy use. The permit clearly specifies the uses to be "commercial" and "heating". A permit for a commercial dairy commonly has a "stockwater" component." If Mr. Burgess intended to use the geothermal well for the dairy barn, what source of water did he intend to use for stockwater?

In a discussion with the Regional Manager about the Grush's proposed dairy, he expressed concern about compliance with condition #7 in the permit and I.C. 42-233 (1). It is important that these issues be addressed along with the other conditions stated in Permit 43-07308.

I appreciate your clients desire for a timely resolve of this matter so they can complete construction of their dairy. We also would like a quick resolution. However, I know you understand that we must insure compliance with the terms and conditions of Permit 43-07308, the applicable sections of the Idaho Code and the provisions of the Raft River Critical Groundwater Management Area.

Cordially,

Mel Schulte
Sr. Water Rights Agent

CC: Glen Saxton
Jim Johnson

MICROFILMED
JAN 19 1995

ALFRED E. BARRUS

Attorney at Law
1918 Overland Avenue
P.O. Box 487
Burley, Idaho 83318
Telephone (208) 678-1155,
FAX (208) 678-1166

APR 18 1994

Department of Water Resources
Southern Region Office

April 12, 1994

Mel Schulte
State of Idaho
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: Water Rights of Mr. and Mrs. Peter Grush

Dear Mr. Schulte:

Mr. and Mrs. Grush have asked that I contact you with regard to your letter of April 4, 1994. As you can see from the attached affidavit of Ed Burgess, Mr. and Mrs. Grush purchased property from Mr. Burgess several years ago. At that time, Mr. Burgess surveyed off 46.71 acres that contained the hot water well that is in question at this time. Two years ago, Mr. Burgess contacted Mr. Grush and negotiated a deal to purchase the 46.71 acres. Shortly before selling the property to the Grushs, Mr. Burgess made application to the Department of Water Resources for a permit to appropriate the water from the hot water well. From the beginning the conversation between Mr. Grush and Mr. Burgess was that Mr. Grush would use that water to establish a dairy. When Mr. Burgess made his application he specifically included among the commercial uses the use for a barn. When Mr. Burgess got the permit back and after discussing the matter with Mr. Grush, he specifically called the Department of Water Resources so there would be absolutely no question that a dairy barn was allowed under the commercial use in the permit. He was told by a party at the Department of Water Resources that a dairy barn was an appropriate use.

There is absolutely no way that Mr. Grush would have purchased the property had there been any question whatsoever that a dairy barn was not an appropriate use for that water.

The Grushs intend to use the cold water well to water their cows and the hot water well to operate the barn. There will be some blending of the water to make it cool enough for some uses. The Grushs do not intend to use any more than 17,000 gallons of water per day from the cold water well.

JAN 19 1995

Mel Schulte
April 12, 1994
Page -2-

APR 16 1994

Department of Water Resources
Southern Region Office

Mr. and Mrs. Grush have operated a dairy in the Malta area for fourteen years and are currently milking 250 cows and would intend to move those cows to the new dairy facility. They intend within two years to have the herd build up to 400 head. The washing system they intend to use would be holding pen sprinklers and manual wash in the barn utilizing the hot water. There are no houses or yards that will be using that water. The Grushs intend to live across the road from the dairy on a separate piece of property where there is a separate domestic well. The only cows on the dairy will be the actual milking cows. All young stock will be kept at a different location.

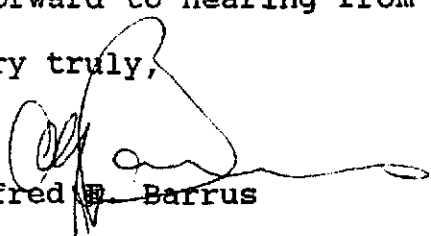
In your letter you state that the term "barns" stated in the permit intended to be barns to house a proposed distillery or ethanol plant. As you can see from his affidavit, that certainly wasn't the intent of Mr. Burgess. The common definition of barn is a covered farm building for stabling livestock and storing farm produce. The average person looking at the application would have expected the barn to mean a place to house and care for animals. Mr. and Mrs. Grush would be willing to make application to amend the permit if that will clear things up.

I hope this has answered any questions you might have regarding the use of the water.

As you are aware, Mr. and Mrs. Grush are in the process of building a dairy barn on that location. It is absolutely crucial that this matter be resolved immediately. If we don't hear from you within five (5) days, it will be our assumption that this explanation has satisfied your questions and we will go forward with construction of the barn and the use of the water as outlined.

I'll be looking forward to hearing from you.

Very truly,


Alfred W. Barrus

AEB/rr
enc.
cc: Mr. and Mrs. Grush

RECEIVED
JAN 19 1995

R 3 1 1994

AFFIDAVIT OF MELROSE EDMOND BURGESS

APR 18 1994

STATE OF IDAHO)
)
County of Cassia)

Department of Water Resources
Southern Region Office

COMES NOW, MELROSE EDMOND BURGESS, being first duly sworn on oath, deposes and states:

1. That several years ago I purchased 640 acres of property in near Malta, in Cassia County, Idaho.

2. That in November of 1989, I sold 243.44 of those acres to Peter Grush. That at that time I held back 46.71 acres on which is located a hot water well.

3. That in November of 1992, I contacted Mr. Grush and we negotiated a sale for the 46.71 acres. That it was my understanding that Mr. Grush intended to use the property and the water for a dairy barn.

4. That I made application to the Department of Water Resources for a commercial permit to appropriate water from the hot water well. That I specifically indicated that the water would be used for a barn. I didn't feel at that time that there was any question of what a barn would be used for other than for milking cows. To keep the options open, I also stated that the water might be used for a greenhouse. I didn't state that the greenhouse would be used to grow plants, I thought that would be assumed. I didn't state that the barn would be used to milk cows, I thought that would be assumed.

5. When I received the permit to appropriate water back from the Department of Water Resources, Mr. Grush asked me if the permit was sufficient for a dairy barn operation and even though I felt confident that it was, I called the Department of Water Resources just to make sure. I discussed this matter with a party at the Department of Water Resources in Twin Falls and they told me that a dairy barn came under the commercial use that I had requested.

DATED this 12th day of April, 1994.

Melrose Edmond Burgess
MELROSE EDMOND BURGESS

SUBSCRIBED AND SWORN to before me this 12th day of April, 1994.

David L. King
NOTARY PUBLIC FOR IDAHO
Residing at: Boise
My Commission Expires: 11-4-2000

JAN 19 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

04-Apr-1994

Mr. & Mrs. Peter Grush
Rt. 1
Malta, ID 83342

Dear Mr & Mrs Grush:

During our recent telephone conversations, you indicated your proposed dairy was a use approved under permit 43-07308. I informed you I would review permit 43-07308 and advise you as to the approved uses allowed under the permit.

Permit 43-07308 was approved 4-2-1992 to allow the diversion and use of groundwater from an existing geothermal well. The permitted commercial uses were for a distillery, greenhouses and an ethanol plant. Heating of homes and barns as supporting facilities of the commercial uses was also allowed. This permit was approved as a replacement for permit 43-07112 that had previously been approved for similar uses from the same well.

As part of my review of this matter, I discussed with several people at the Southern Region Office in Twin Falls and the State Office in Boise your plans to construct a dairy under the terms and conditions of permit 43-07308. The unanimous opinion of all is that a dairy was not an intended use nor is it a use approved for this permit. The term "barns" stated in the permit conditions that you think allows a dairy use was intended to be "barns" to house the proposed distillery and/or ethanol plant.

An important element to consider in addressing your proposed dairy as a use under permit 43-07308 is the source of water itself. The geothermal water allowed under the permit comes from a very deep and very hot geothermal aquifer. The very nature of that water makes it impractical for a dairy use. The source of water you propose is from a cooler water aquifer much shallower than the hot geothermal aquifer. The aquifers have been under special management status as the Raft River Critical Groundwater Management Area since the early 1960's.

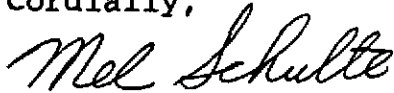
As Doug Jones indicated in his letter dated 3-28-1994, we believe the legal description in your drilling permit is incorrect. We will address that problem and contact you if we need additional information.

RECEIVED
JAN 19 1995

Mr. Jones indicated our concern that the useage you propose will likely exceed 13,000 gallons per day. To complete an analysis of the estimated daily amount you propose to use we need in writing from you the following information: numbers of milking cows & dry cows, type of washing system for cows and barn, type of waste lagoon, number of houses and size of yard, garden, etc.. Please forward this information as soon as possible.

To summarize, based on the information we now have it appears that a dairy use would not be allowed under permit 43-07308. It also appears you will be limited to 13,000 gallons per day as a domestic use to include stockwater, dairy barn, home, yards, etc.

Cordially,



Mel Schulte
Sr. Water Rights Agent

RECEIVED
JAN 19 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 29, 1994

PETER J GRUSH
SYLVIA T GRUSH
HC 72 BOX 2046
MALTA ID 83342

RE: Permit No. 43-07308

Dear Mr. & Mrs. Grush:

I recently received an 'Assignment of Permit' form on the above referenced permit.

In Idaho, a permit is considered personal property and can only be assigned by the owner of record. Our records identify Melrose Edmond Burgess as owner of the permit. The assignment submitted identified you as owner of the permit and, therefore, is not acceptable. I am returning that assignment to you.

In order to process your assignment, you will first need to submit an assignment form in which Mr. Burgess assigns the permit to you. I have enclosed a partially completed assignment of permit form which Mr. Burgess may sign.

You may resubmit the assignment between you and Northwest Farm Credit Services with the assignment from Mr. Burgess to you.

If you have any questions or need any assistance, please feel free to contact me directly at 327-7944.

Sincerely,

CINDY ZIMMERMAN
Water Resource Agent

c: Melrose Edmond Burgess
Northwest Farm Credit Services ACA

Enclosures

MAILED
JAN 19 1995

RECEIVED

MAR 25 1994

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

MAR 24 1994

Department of Water Resources

We, Peter J. Grush and Sylvia T. Grush, hereby assign to Peter J. Grush and Sylvia T. Grush, HC 72, Box 2046, Malta, Idaho 83342 and NORTHWEST FARM CREDIT SERVICES, ACA, 1305 Albion Avenue, P.O. Box 1168, Burley, Idaho 83318

All our right, title and interest in and to Permit No.43-07308 to appropriate the public water of the State of Idaho.

or (for partial assignments)

The following described portion of my right, title and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

Described portion of the application assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.

Made this 23 day of March, 1994

Peter J. Grush
Peter J. Grush

Sylvia T. Grush
Sylvia T. Grush

STATE OF IDAHO)
) ss.
County of Cassia)

On this 23 day of March, 1994, personally appeared before me the signers of above instrument, duly acknowledged to me that they executed the same.

Joan D. Knight
Notary Public for the State of Idaho
Residing at Burley
My commission expires 1-1-98

JAN 19 1995

April 13, 1992

MELROSE EDMOND BURGESS
2058 OVERLAND AVE
BURLEY ID 83318

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 43-07308

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under Condition No. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows est

MICROFILMED

MAY 18 1992

state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:clh

Enclosure

UNRECORDED
FILMED

MAY 18 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 9, 1992

MELROSE EDMOND BURGESS
2058 OVERLAND AVE
BURLEY ID 83318

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 43-07308

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and

RECEIVED

MAY 18 1992

so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Please be advised that water quality is subject to regulations of the Idaho Department of Health and Welfare. We suggest that you check with them before starting construction.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:clh

Enclosures

MICROFILMED

MAY 18 1992

MEMORANDUM

To: File 43-7308
From: L. Glen Saxton *MA*
RE: ACTION ON APPLICATION
Date: February 25, 1992

I called Loren Holmes of the Department's Southern Regional office in connection with his staff recommendation to not approve this application.

Loren was not aware that the department had previously issued permit no. 43-7172 for essentially the same type of use and same source as proposed on the application. Upon further discussion with Loren, he had no problem with approval of 43-7308 provided it is conditioned similar to the prior approval of 43-7172.

The department should hold application 43-7308 for 30 days to determine the outcome, if any, in connection with the show cause order signed on February 26, 1992, to cancel prior permit no. 43-7172.

4-1-92
OK TO PROCESS
this application
NOW. 30 DAY PERIOD
LAPSED WITH NO
RESPONSE ON
43-7172.

REPROFILMED

MAY 18 1992

MEMORANDUM

TO: File #43-07308
FROM: Pam Skaggs *PS* *Vgr*
DATE: January 29, 1992
RE: Background of Application

The above referenced application arrived from the region for final review with a recommendation to deny it as a groundwater appropriation in the Raft River CGWA.

I received a telephone call from the applicant requesting the status of the application. I informed Mr. Burgess that the application would probably be denied because it is within the Raft River CGWA. He questioned why his application would be denied when a similar application on the same well had been approved last year. He provided me the name of the other permit holder and I identified permit #43-07172, in the name of Golden F. Gardiner, that was approved October 29, 1990.

After reviewing file #43-07172, it appears that the original applicants, the Wights, applied for use of an existing low temperature geothermal well located on their property for Commercial, Heating and Irrigation of 100 acres in October 1981. Delays in processing occurred due to the Swan Falls lawsuit, until May 1990.

When the Department contacted the applicant for trust water information, Mr. Gardiner responded that he now owned the 100 acres described and wished to pursue the application. Mrs. (Wight) Moore assigned the application to Mr. Gardiner and processing continued.

Sufficient information was collected by the Department (See File 43-07172) to indicate that the well is approximately 5000 feet deep, cased to 630 feet and originates from the deep geothermal system, and there is no obvious connection with the shallower system. The application was approved with specific conditions to protect existing water rights in the Raft River drainage basin.

In November 1990, Mr. Burgess contacted the Department stating that he had purchased the property where the well is located from Mr. Wight. He didn't plan to allow Mr. Gardiner access to the well and requested an application for himself.

Based on the evidence provided in the original application #43-07172, that was approved, it would appear reasonable to approve Mr. Burgess application #43-07308 with similar conditions.

MICROFILMED

MAY 18 1992

PROCESSING ☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☒ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 7/23/91
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application
☒ Yes ☐ No Recommendations attached See below
☒ Yes ☐ No Measuring device required
☐ Yes ☒ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. _____
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

264, OIR, 46

Date of priority recommended 11/30/91 See below for additional information
By L. O. Johnson Date 12/12/91

STATE OFFICE REVIEW

By _____ See below for additional information
Date _____

ADDITIONAL INFORMATION

This Application Proposes diversion of Groundwater
in the Raft River CGWA. It should be subject
to denial on the basis of the CGWA Order

LOCAL PUBLIC INTEREST

Comments received from:

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other _____

Project impacts/implications report

COMMENTS



IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

Post Office Box 1626, Twin Falls, ID 83303-1626, (208) 734-9520

Cecil D. Andrus, Governor

Richard P. Donovan, Director

July 26, 1991

RECEIVED

JUL 31 1991

Department of Water Resources
Southern Region Office

Gary Funderburg
Senior Water Resource Agent
Idaho Dept. of Water Resources
Southern Region
222 Shoshone St. East
Twin Falls, ID 83301

Re: Application for Water Right for Commercial and Heating
Purposes by Melrose E. Burgess, Cassia County, Idaho

Dear Gary:

We have reviewed the above application and submit the following:

- Use of the waters for commercial purposes (i.e. distillery and ethanol plant) will generate wastewater that must meet Idaho Water Quality Standards and Wastewater Treatment Requirements.
- Plans and specifications by a registered Idaho Professional Engineer will have to be submitted to DEQ and approved prior to construction.

Should any questions arise, please contact me.

Sincerely,

Michael J. McMasters

Michael J. McMasters
Water Quality Field Supervisor

MJM/dr

cc: Steve Bauer
Jerry Yoder

MICROFILMED

MAY 18 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

19-Jun-1991

R. KEITH HIGGINSON
Director

ATTENTION MIKE MC MASTERS
IDAHO DEPT OF HEALTH & WELFARE
DIVISION OF ENVIRONMENT
PO BOX 1626
TWIN FALLS ID 83303-1626

Re: Application(s) for Permit

Dear Mr. Mc Masters:

Please find enclosed copy(ies) of an Application(s) for Permit for your information and files.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

Enclosure(s)

MICROFILMED

MAY 18 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

19-Jun-1991

R. KEITH HIGGINSON
Director

MELROSE EDMOND BURGESS
2058 OVERLAND AVE
BURLEY ID 83318

Re: Application for Permit No. 43-07308

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office will be advertising the application in the South Idaho Press on 7/5 & 7/12/91. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

MICROFILMED

MAY 18 1992

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-07308

BURGESS, MELROSE EDMOND
2058 OVERLAND AVE.
BURLEY, ID 83318

Source: GROUNDWATER

Diversion Pt: SENW Sec 1 T 14S R 26E

Use: COMMERCIAL (1.600 CFS)
HEATING (.500 CFS)
Total Diversion: (2.100 CFS)

Date Filed: 1/30/ 1991

In: T14S R26E S01 SENW

The permit(s) will be subject to all prior water rights. Protests must be filled with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, Idaho 83301 on or before JULY 23, 1991.

R. KEITH HIGGINSON, Director

Published 7/ 5/1991 & 7/12/1991

MAY 18 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208) 734-3578

JUNE 18, 1991

SOUTH IDAHO PRESS
BOX 190
BURLEY, ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 23, 1991.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MAY 18 1992